

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

DUFERCO S.A. and DUFERCO STEEL,
INC.

v.

M/V BLUE OCEAN, her engines, tackle,
apparel, etc. *in rem*

NO. 1:13-cv-111

FED. R. CIV. P 9(h), Admiralty

**PLAINTIFFS' MOTION FOR ORDER
TO ALLOW VESSEL TO MOVE TO HOUSTON**

COME NOW Plaintiffs, Duferco S.A. and Duferco Steel, Inc. ("Duferco"), by their attorneys, Strasburger & Price, LLP, and file this Motion to Allow Vessel to Move to Houston, and respectfully show as follows:

1. On June 13, 2013, Plaintiffs filed their Verified Original Complaint praying that the M/V BLUE OCEAN, her engines, etc., be attached pursuant to Rule C of the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure, condemned and sold to satisfy Plaintiffs' demands and claim, and for other proper relief. The BLUE OCEAN was originally scheduled to discharge Plaintiffs' cargo in Houston, but for reasons unknown to Plaintiffs came to Brownsville instead.

2. Concurrently with the filing of their Complaint, Plaintiffs moved this Court to Order the Clerk of Court to issue a Warrant of Arrest commanding the United States Marshal for this District to arrest and take into custody the M/V BLUE OCEAN and to detain the same in his custody until further Order this Honorable Court.

3. The United States Marshal in fact arrested the M/V BLUE OCEAN on the evening of June 13, 2013, and assigned Valley Wide Security as its custodian.

4. Another claimant, World Fuels Services, Ltd., filed suit against the vessel in the Houston Division, Cause No. H-13-1700. Because the BLUE OCEAN never came into Houston, World Fuels obtained an amended order to arrest the vessel in Brownsville. See Exh. A. World Fuels' arrest was executed by the Marshal in Brownsville on June 14, 2013.

5. On June 20, 2013, STX Pan Ocean Co. Ltd. obtained an order from New York bankruptcy court staying further proceedings against the vessel. See Exh. B. On July 12, 2013 the bankruptcy court issued an order allowing Plaintiffs' case to proceed. See Exh. C, pp. 5 and 6.

6. The vessel is now at a layberth in the Port of Brownsville. To facilitate discharge of Plaintiffs' cargo and to keep costs within a reasonable amount, the vessel's interested parties and Plaintiffs are in agreement to allow the vessel to depart Brownsville and travel to Houston, remaining under the arrest by the Marshal and supervision of its security custodian. Valley Wide Security has agreed to stay aboard the vessel during its transit to Houston.

7. No other parties have made an appearance in the captioned case.

WHEREFORE, Plaintiffs Duferco S.A. and Duferco Steel, Inc. pray that the Court enter an Order allowing BLUE OCEAN to shift to Houston where it may discharge Plaintiffs' cargo, subject to further order of this Court or other court of competent jurisdiction.

Respectfully submitted,

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